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LRB095 15332 RLC 51097 a

1 AMENDMENT TO SENATE BILL 2596

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 2596 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Criminal Code of 1961 is amended by  
5 changing Sections 9-3 and 12-5 as follows:

6 (720 ILCS 5/9-3) (from Ch. 38, par. 9-3)

7 (Text of Section before amendment by P.A. 95-467, 95-551,  
8 and 95-587)

9 Sec. 9-3. Involuntary Manslaughter and Reckless Homicide.

10 (a) A person who unintentionally kills an individual  
11 without lawful justification commits involuntary manslaughter  
12 if his acts whether lawful or unlawful which cause the death  
13 are such as are likely to cause death or great bodily harm to  
14 some individual, and he performs them recklessly, except in  
15 cases in which the cause of the death consists of the driving  
16 of a motor vehicle or operating a snowmobile, all-terrain

1 vehicle, or watercraft, in which case the person commits  
2 reckless homicide. A person commits reckless homicide if he or  
3 she unintentionally kills an individual while driving a vehicle  
4 and using an incline in a roadway, such as a railroad crossing,  
5 bridge approach, or hill, to cause the vehicle to become  
6 airborne.

7 (b) (Blank).

8 (c) (Blank).

9 (d) Sentence.

10 (1) Involuntary manslaughter is a Class 3 felony.

11 (2) Reckless homicide is a Class 3 felony.

12 (e) (Blank).

13 (e-5) (Blank).

14 (e-7) Except as otherwise provided in subsection (e-8), in  
15 cases involving reckless homicide in which the defendant: (1)  
16 was driving in a construction or maintenance zone, as defined  
17 in Section 11-605 of the Illinois Vehicle Code, or (2) was  
18 operating a vehicle while failing or refusing to comply with  
19 any lawful order or direction of any authorized police officer  
20 or traffic control aide engaged in traffic control, the penalty  
21 is a Class 2 felony, for which a person, if sentenced to a term  
22 of imprisonment, shall be sentenced to a term of not less than  
23 3 years and not more than 14 years.

24 (e-8) In cases involving reckless homicide in which the  
25 defendant caused the deaths of 2 or more persons as part of a  
26 single course of conduct and: (1) was driving in a construction

1 or maintenance zone, as defined in Section 11-605 of the  
2 Illinois Vehicle Code, or (2) was operating a vehicle while  
3 failing or refusing to comply with any lawful order or  
4 direction of any authorized police officer or traffic control  
5 aide engaged in traffic control, the penalty is a Class 2  
6 felony, for which a person, if sentenced to a term of  
7 imprisonment, shall be sentenced to a term of not less than 6  
8 years and not more than 28 years.

9 (e-9) In cases involving reckless homicide in which the  
10 defendant drove a vehicle and used an incline in a roadway,  
11 such as a railroad crossing, bridge approach, or hill, to cause  
12 the vehicle to become airborne, and caused the deaths of 2 or  
13 more persons as part of a single course of conduct, the penalty  
14 is a Class 2 felony.

15 (e-12) In cases involving reckless homicide in which a  
16 person or persons were killed as a result of the defendant's  
17 reckless operation of a motor vehicle on a roadway and the  
18 victim or victims of the offense were vulnerable users of a  
19 public way, the penalty shall be a Class 2 felony and is  
20 subject to a maximum fine of \$10,000. For the purposes of this  
21 subsection (e-12), "vulnerable user of a public way" includes,  
22 but is not limited to, pedestrians who are lawfully present on  
23 the roadway and persons who are lawfully operating the  
24 following on a roadway:

25 (1) bicycles;

26 (2) wheelchairs;

1           (3) motor-driven cycles; or

2           (4) farm tractors or implements of husbandry.

3           (f) In cases involving involuntary manslaughter in which  
4 the victim was a family or household member as defined in  
5 paragraph (3) of Section 112A-3 of the Code of Criminal  
6 Procedure of 1963, the penalty shall be a Class 2 felony, for  
7 which a person if sentenced to a term of imprisonment, shall be  
8 sentenced to a term of not less than 3 years and not more than  
9 14 years.

10          (Source: P.A. 95-591, eff. 9-10-07.)

11           (Text of Section after amendment by P.A. 95-467, 95-551,  
12 and 95-587)

13           Sec. 9-3. Involuntary Manslaughter and Reckless Homicide.

14           (a) A person who unintentionally kills an individual  
15 without lawful justification commits involuntary manslaughter  
16 if his acts whether lawful or unlawful which cause the death  
17 are such as are likely to cause death or great bodily harm to  
18 some individual, and he performs them recklessly, except in  
19 cases in which the cause of the death consists of the driving  
20 of a motor vehicle or operating a snowmobile, all-terrain  
21 vehicle, or watercraft, in which case the person commits  
22 reckless homicide. A person commits reckless homicide if he or  
23 she unintentionally kills an individual while driving a vehicle  
24 and using an incline in a roadway, such as a railroad crossing,  
25 bridge approach, or hill, to cause the vehicle to become

1 airborne.

2 (b) (Blank).

3 (c) (Blank).

4 (d) Sentence.

5 (1) Involuntary manslaughter is a Class 3 felony.

6 (2) Reckless homicide is a Class 3 felony.

7 (e) (Blank).

8 (e-2) Except as provided in subsection (e-3), in cases  
9 involving reckless homicide in which the offense is committed  
10 upon a public thoroughfare where children pass going to and  
11 from school when a school crossing guard is performing official  
12 duties, the penalty is a Class 2 felony, for which a person, if  
13 sentenced to a term of imprisonment, shall be sentenced to a  
14 term of not less than 3 years and not more than 14 years.

15 (e-3) In cases involving reckless homicide in which (i) the  
16 offense is committed upon a public thoroughfare where children  
17 pass going to and from school when a school crossing guard is  
18 performing official duties and (ii) the defendant causes the  
19 deaths of 2 or more persons as part of a single course of  
20 conduct, the penalty is a Class 2 felony, for which a person,  
21 if sentenced to a term of imprisonment, shall be sentenced to a  
22 term of not less than 6 years and not more than 28 years.

23 (e-5) (Blank).

24 (e-7) Except as otherwise provided in subsection (e-8), in  
25 cases involving reckless homicide in which the defendant: (1)  
26 was driving in a construction or maintenance zone, as defined

1 in Section 11-605.1 of the Illinois Vehicle Code, or (2) was  
2 operating a vehicle while failing or refusing to comply with  
3 any lawful order or direction of any authorized police officer  
4 or traffic control aide engaged in traffic control, the penalty  
5 is a Class 2 felony, for which a person, if sentenced to a term  
6 of imprisonment, shall be sentenced to a term of not less than  
7 3 years and not more than 14 years.

8 (e-8) In cases involving reckless homicide in which the  
9 defendant caused the deaths of 2 or more persons as part of a  
10 single course of conduct and: (1) was driving in a construction  
11 or maintenance zone, as defined in Section 11-605.1 of the  
12 Illinois Vehicle Code, or (2) was operating a vehicle while  
13 failing or refusing to comply with any lawful order or  
14 direction of any authorized police officer or traffic control  
15 aide engaged in traffic control, the penalty is a Class 2  
16 felony, for which a person, if sentenced to a term of  
17 imprisonment, shall be sentenced to a term of not less than 6  
18 years and not more than 28 years.

19 (e-9) In cases involving reckless homicide in which the  
20 defendant drove a vehicle and used an incline in a roadway,  
21 such as a railroad crossing, bridge approach, or hill, to cause  
22 the vehicle to become airborne, and caused the deaths of 2 or  
23 more persons as part of a single course of conduct, the penalty  
24 is a Class 2 felony.

25 (e-10) In cases involving involuntary manslaughter or  
26 reckless homicide resulting in the death of a peace officer

1 killed in the performance of his or her duties as a peace  
2 officer, the penalty is a Class 2 felony.

3 (e-11) ~~(e-10)~~ In cases involving reckless homicide in which  
4 the defendant unintentionally kills an individual while  
5 driving in a posted school zone, as defined in Section 11-605  
6 of the Illinois Vehicle Code, while children are present or in  
7 a construction or maintenance zone, as defined in Section  
8 11-605.1 of the Illinois Vehicle Code, when construction or  
9 maintenance workers are present the trier of fact may infer  
10 that the defendant's actions were performed recklessly where he  
11 or she was also either driving at a speed of more than 20 miles  
12 per hour in excess of the posted speed limit or violating  
13 Section 11-501 of the Illinois Vehicle Code.

14 (e-12) In cases involving reckless homicide in which a  
15 person or persons were killed as a result of the defendant's  
16 reckless operation of a motor vehicle on a roadway and the  
17 victim or victims of the offense were vulnerable users of a  
18 public way, the penalty shall be a Class 2 felony and is  
19 subject to a maximum fine of \$10,000. For the purposes of this  
20 subsection (e-12), "vulnerable user of a public way" includes,  
21 but is not limited to, pedestrians who are lawfully present on  
22 the roadway and persons who are lawfully operating the  
23 following on a roadway:

24 (1) bicycles;

25 (2) wheelchairs;

26 (3) motor-driven cycles; or

1           (4) farm tractors or implements of husbandry.

2           (f) In cases involving involuntary manslaughter in which  
3 the victim was a family or household member as defined in  
4 paragraph (3) of Section 112A-3 of the Code of Criminal  
5 Procedure of 1963, the penalty shall be a Class 2 felony, for  
6 which a person if sentenced to a term of imprisonment, shall be  
7 sentenced to a term of not less than 3 years and not more than  
8 14 years.

9           (Source: P.A. 95-467, eff. 6-1-08; 95-551, eff. 6-1-08; 95-587,  
10 eff. 6-1-08; 95-591, eff. 9-10-07; revised 10-30-07.)

11           (720 ILCS 5/12-5) (from Ch. 38, par. 12-5)

12           Sec. 12-5. Reckless conduct.

13           (a) A person who causes bodily harm to or endangers the  
14 bodily safety of an individual by any means, commits reckless  
15 conduct if he or she performs recklessly the acts that cause  
16 the harm or endanger safety, whether they otherwise are lawful  
17 or unlawful.

18           (a-5) A person who causes great bodily harm or permanent  
19 disability or disfigurement by any means, commits reckless  
20 conduct if he or she performs recklessly the acts that cause  
21 the harm, whether they otherwise are lawful or unlawful.

22           (b) Sentence.

23           Reckless conduct under subsection (a) is a Class A  
24 misdemeanor. Reckless conduct under subsection (a-5) is a Class  
25 4 felony. Reckless conduct under subsection (a) in which the

1 person injured or the persons whose safety was endangered was a  
2 vulnerable user of a public way and the person who caused the  
3 injury or who endangered the safety of another person was  
4 operating a motor vehicle upon a roadway is a Class 4 felony  
5 and is subject to a maximum fine of \$10,000.

6 (c) For purposes of this Section, "vulnerable user of a  
7 public way" includes, but is not limited to, pedestrians who  
8 are lawfully present on the roadway and person who are lawfully  
9 operating the following on a roadway:

10 (1) bicycles;

11 (2) wheelchairs;

12 (3) motor-driven cycles; or

13 (4) farm tractors or implements of husbandry.

14 (Source: P.A. 93-710, eff. 1-1-05.)

15 Section 95. No acceleration or delay. Where this Act makes  
16 changes in a statute that is represented in this Act by text  
17 that is not yet or no longer in effect (for example, a Section  
18 represented by multiple versions), the use of that text does  
19 not accelerate or delay the taking effect of (i) the changes  
20 made by this Act or (ii) provisions derived from any other  
21 Public Act.

22 Section 99. Effective date. This Act takes effect upon  
23 becoming law."